

**Idaho Department of  
Juvenile Corrections  
Human Resources  
Policy/Procedure**

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SUBJECT: CRIMINAL HISTORY BACKGROUND CHECKS

APPROVED:   
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ORIGIN: ADMINISTRATION

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**Policy**

The safety and security of the Idaho Department of Juvenile Corrections (IDJC) staff, juveniles and facilities is of primary importance to IDJC. IDJC performs a thorough and careful screening of anyone who may have contact with incarcerated juveniles including applicants for employment, temporary employees, interns, volunteers, and contractors.

The Idaho Police Officer Standards and Training (POST) IDAPA rule 11.11.01.055 of the POST Council Criminal Records and the Prison Rape Elimination Act (PREA) Juvenile Facility Standards relating to hiring and promotion decisions govern criminal history background checks for individuals providing care, services, and/or assuming the responsibility for incarcerated juveniles and/or adults still under jurisdiction of IDJC.

IDJC shall not hire or promote anyone who may have contact with juveniles, and shall not enlist the services of any volunteers, interns, and contractors who may have contact with juveniles, who:

- (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
- (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- (3) Has been civilly or administratively adjudicated to have engaged in the activity described in (2) above.

IDJC shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any volunteers, interns, contractor or subcontractors who may have contact with residents.

IDJC, through the cooperation of state and federal agencies such as the Idaho Supreme Court, Idaho State Police, Idaho Department of Transportation and the Idaho Department of Health and Welfare, has established a system to obtain a complete record search for background and criminal history information. A criminal history record

includes any or all of the following Information relating to: offenders, arrests, prosecutions, disposition of cases by courts, sentencing, probation and parole status and relating to offenders received by a correctional agency, facility or other institution.

It is therefore the policy of IDJC to conduct criminal history background checks, herein after referred to as background checks, on volunteers, student interns, contractors, applicants for initial employment and/or internal promotions, and all current employees.

## **Procedure**

IDJC Human Resources (HR) is the point of contact for background check results from the Idaho Bureau of Criminal Identification (BCI). IDJC POST staff is the point of contact for background checks processed through POST.

No employee, volunteer, intern or contractor may have unsupervised contact with a juvenile until the supervisor or facility volunteer/intern contact has been notified by HR or POST that the background check has been completed and the person is cleared.

### **I. Non-Employment**

#### **A. Volunteers, Interns, and Similar**

The appointed IDJC contact for volunteers and interns will follow this policy regarding background checks for all volunteers and interns and will oversee the process. All volunteers and interns are required to complete DJC-058 Criminal History Check Authorization and Self-Declaration Form and submit to a fingerprint scan. Background checks of volunteers and interns will be processed, reviewed, and must meet the same requirements as all other background checks conducted pursuant to this policy.

#### **B. Contractors, Sub-Contractors and Similar**

1. Facilities shall designate a staff to be responsible for tracking the use of facility contractors and subcontractors. This staff shall also maintain files for all contractors and subcontractors.
2. Contractors, subcontractors and employees of each that may have contact with juveniles shall either submit to a background check and be cleared to perform services prior to use or have their services supervised by security staff.
3. If security staff are not available to supervise the contractor services, supervision will occur by following the IDJC Policy 608 Juvenile Supervision to ensure that under no circumstances will juveniles and contractors who are not cleared via background check be together unsupervised.

## II. Employment and Hiring Decisions

### A Before hiring new employees, IDJC shall:

1. Perform a criminal history background records check;
2. Consult any child abuse registry maintained by the state or locality in which the employee resides or would work; and
3. Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

### B. IDJC shall ask all applicants and employees directly about previous misconduct described in numbers 1–3 in the Policy section on page 1 in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of annual performance reviews of current employees. All new employees will be required to undergo a background check.

### C. Recruitment for employment.

1. Application materials will contain information regarding the required background investigation. Applicants will be notified at the time of applying for a job with IDJC that a background check will be required for employment with IDJC. The recruitment materials will outline the process and state the employment criminal history background disqualifications for employment.
2. Those applying for Peace Officer Training and Standards (POST) certified positions will be required to meet the background check requirements for POST as well.
  - i. POST-certified classifications include, but are not limited to: Safety and Security Officer; Safety and Security Supervisor; Rehabilitation Technician; Recreation Coordinator, Correction; Rehabilitation Specialist, Associate; Rehabilitation Specialist; Instruction Assistant; and Instructor Specialist.

### D. Employment Interviews

At the time of employment interview, internal and external applicants will be provided a copy of this policy (340) and will sign an acknowledgement of understanding of the policy and its requirements.

#### E. Current Employees

1. All current employees hired prior to the effective date of this policy will have a criminal history background check conducted which will be processed, reviewed, and must meet the same requirements as all other background checks conducted pursuant to this policy.
2. Additionally all IDJC employees are subject to subsequent background checks when being considered for promotion, when rehired or reinstated with a break in service greater than 12 months, and any other time it is determined necessary.
3. IDJC shall conduct a criminal history background records check of current employees at least every five years.
4. All employees are required to report all law enforcement contact within two working days and all court appearances must be reported in writing to the supervisor at least two working days prior to the court appearance in accordance with IDJC Policy 324 Ethics and Standards of Conduct.

### III. Background Check Process

#### A. DJC-058 Criminal History Check Authorization and Self-Declaration Form

1. All persons required by this policy to submit to a background check will complete DJC-058 at the time of conditional offer of employment.
2. All items on DJC-058 must be fully completed and no information shall be omitted. DJC-058 will be reviewed and must be approved by the Division Administrator/Superintendent and/or IDJC Human Resources. Any material omissions or false information provided in DJC-058 are grounds for termination or disqualification.

#### B. Fingerprints

1. All persons required by this policy to submit to a background check shall be fingerprinted by a qualified IDJC employee or by a local law enforcement agency.
2. Fingerprinting shall generally be completed on the first day of attendance or employment at each work location. A valid state- or federal-issued photo identification card (ID) must be presented at time of fingerprinting.
3. For employees hired into POST certified positions, two (2) fingerprint cards shall be completed. All other positions require completion of one (1) fingerprint card.

#### IV. Disqualification from Employment/Non-Employment

- A. All persons required to submit to background checks who are unwilling or unable to meet the requirements of this policy will be disqualified from employment, contract, subcontract, and/or volunteer or internship opportunity with IDJC.
- B. Additionally, those persons who are required to meet POST standards and are unable or unwilling to do so will not pass the recruitment examination and will not be certified to a hiring register. Subsequently, they will not be considered as viable applicants for IDJC position vacancies.

#### V. Termination of Employment/Non-Employment

- A. All applicants, upon selection for hire, will be issued a conditional offer of hire at time of job offer, based on successfully passing the background check. Applicants for POST mandatory classifications will also meet POST Minimum Standards and become POST certified within one year of hire.
- B. Criminal Record/Valid Complaint:
  - 1. If a background check reveals a criminal conviction(s), plea or verdict of guilty to a misdemeanor or felony, withheld judgment or a valid child or adult complaint, or a conviction following a plea of "*nolo contendere*," the Division Administrator/Superintendent or designee, and/or Human Resources will meet with the employee to inform him or her of the findings.
    - a. Because IDJC provides supervision, care, and other clinical and rehabilitative services to juveniles in a confinement setting, a criminal history involving any of the following offenses will result in the disqualification of the volunteer, intern, or contractor, and termination or reassignment of current employees. This disqualification will, however, be subject to an individualized assessment as set forth in section V.B.2.a. of this policy.
      - i) Conviction for any crime against or involving a child or vulnerable adult including but not limited to child abuse, neglect, abandonment, or sexual crimes of any nature.
      - ii) Conviction for any other crime IDJC reasonably believes may endanger a vulnerable person.
      - iii) Any admittance of guilt of the items in i) and ii) above.
  - 2. With the exception of the above, a prior criminal conviction does not automatically disqualify an individual from employment, promotion, transfer, intern, contractor or volunteer position. The criminal history will be evaluated

for relevance to the specific position responsibilities to determine if a disqualification from employment/non-employment is job related and consistent with business necessity.

a. Individualized Assessment

The employee may request an individualized assessment with the appropriate Division Administrator/Superintendent. If an assessment is requested:

- i. The employee will be required to provide:
  1. Location where the conviction occurred,
  2. Court records as needed and/or requested by management,
  3. Name, address and phone number of any parole/probation officer who may be associated with the conviction,
  4. Name of professional involved in the rehabilitation process, if any.
- ii. This information will be reviewed by the appropriate Division Administrator/Superintendent, in consultation with Legal, Human Resource Officer and/or Director, to assist in reaching a decision regarding continued employment.
- iii. The assessment may include, but is not limited to:
  - a) Falsification of application material pertaining to the conviction(s);
  - b) Length of time that has passed since conviction(s) occurred;
  - c) Individual's age at the time the crime was committed;
  - d) Employment record subsequent to conviction;
  - e) Length of IDJC service and performance;
  - f) Number and gravity of crimes committed and the nature of the crime(s) in relationship to the nature of the work to be performed;
  - g) Relationship of the crime committed to the responsibilities of the position desired; and
  - h) Any evidence of rehabilitation;
  - i) Facts or circumstances surrounding the offense or conduct.
- iv. The assessment and determination will be made within two weeks of the individualized assessment request. If a decision to dismiss the employee is made, the employee will be given an opportunity to resign without prejudice. If the employee does not resign, due process for dismissal will occur.

C. False Information: Falsification of information or refusal by the applicant to comply with the background check requirements shall be valid grounds for denial.

D. Previous Denial: A previous denial by IDJC within three (3) years of the current application will constitute an automatic denial.

VI. Employee Performance Evaluations

IDJC shall require all supervisors to ask employees about previous misconduct described in numbers 1–3 in the Policy section on page 1 and record their answers on the Employee Performance Review form as part of ongoing reviews of current employees. An affirmative answer to any of these three questions could result in dismissal.

VII. Criminal History Records and Retention

Criminal history checks become the property of IDJC and shall be held confidential.

A. A copy of the criminal history check shall be released:

1. To the individual named in the criminal history upon receipt of a written request to IDJC; provided the individual also releases the state from all liability; or
2. In response to a subpoena issued by a court of competent jurisdiction.

B. Release of information obtained through a criminal history check. Information may be released, upon written request or upon signed release by the individual who is the subject of the criminal history check, to:

1. The verified employer of, or agency affiliated with an individual when the individual's employment requires a criminal history check under these rules.
2. As otherwise required by law.

C. Criminal history checks, and supporting documentation, will be maintained in a file separate from the employee personnel record, for a period of time as directed by the state of Idaho Records retention schedule or other accepted standard of records retention.

VIII. Future Employment References:

Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

*Reference:*                    [Glossary of Terms and Acronyms](#)  
                                     *PREA Juvenile Facility Standards, §115.317 Hiring and Promotion Decisions*

*Related Policies:*        *Drug-Free Workplace*  
                                     *Facility Volunteer and Intern*

*Related Forms:*        [Authorization to Release Information \(DJC-059\)](#)  
                                     [Policy Receipt Acknowledgement form \(DJC-079\)](#)  
                                     [Criminal History Check Authorization and Self-Declaration Form \(DJC-058\)](#)